

JOHN F. COOK
MAYOR

JOYCE WILSON
CITY MANAGER



CITY COUNCIL
ANN MORGAN LILLY, DISTRICT 1
SUSANNAH M. BYRD, DISTRICT 2
J. ALEXANDRO LOZANO, DISTRICT 3
MELINA CASTRO, DISTRICT 4
PRESI ORTEGA, JR., DISTRICT 5
EDDIE HOLGUIN JR., DISTRICT 6
STEVE ORTEGA, DISTRICT 7
BETO O'ROURKE, DISTRICT 8

**AGENDA FOR
REGULAR COUNCIL MEETING, COUNCIL CHAMBERS
TUESDAY, OCTOBER 4, 2005
9:00 A.M.**

AND

**SPECIAL COUNCIL MEETING/COUNCIL WORK SESSION
COUNCIL/STAFF QUESTION AND ANSWER SESSION
10TH FLOOR, CONFERENCE ROOM
MONDAY, OCTOBER 3, 2005
4:00 P.M.**

ROLL CALL

Invocation – Police Chaplain Clift Barnes
Pledge of Allegiance

MAYOR'S PROCLAMATIONS

1. ***HONORARY CITIZEN CERTIFICATES***
2. ***COMBINED CHARITABLE CAMPAIGN***
3. ***MENTAL ILLNESS AWARENESS WEEK***
4. ***BREAST CANCER AWARENESS MONTH***
5. ***WORLD FARM ANIMALS DAY***

CALL TO THE PUBLIC – PUBLIC COMMENT

This time is reserved for members of the public who would like to address the City Council on items that are not on the City Council Agenda.

A sign-up form is available on line at https://www.elpasotexas.gov/city_clerk/contact_public.asp for those who wish to sign up in advance of the meeting date and a sign-up form is available outside the City Council Chambers at the City Clerk table for those who wish to sign up on the day of the meeting.

Requests to speak must be received by 9:00 a.m. on the date of the meeting.

30 Minutes total is allotted for speakers.

Three to five minutes may be allowed for each speaker.

NOTICE TO THE PUBLIC

All matters listed under the CONSENT AGENDA will be considered by City Council to be routine and will be enacted by one motion unless separate discussion is requested by Council Members. Prior to the vote, members of the audience may ask questions regarding items on the consent agenda. When the vote has been taken, if an item has not been called out for separate discussion, the item has been approved. Council may, however, reconsider any item at any time during the meeting.

CONSENT AGENDA

1. APPROVAL OF MINUTES: [Municipal Clerk, Richarda Duffy Momsen, (915) 541-4127]

Approval of Minutes for the Regular City Council Meeting of September 27, 2005 and the Special City Council Meeting of August 16, 2005.

2. REQUEST TO EXCUSE ABSENT CITY COUNCIL MEMBERS:

Mayor John F. Cook
Representative Beto O'Rourke

3. RESOLUTIONS:

- 3A.** That the City Manager be authorized to sign a Child Care Local Match Contribution Agreement effective October 1, 2005 between the City of El Paso and the Upper Rio Grande Workforce Development Board, Inc. (URGWDB) wherein the City of El Paso agrees to transfer the amount of \$132,983 in Community Development Block Grant (CDBG) funds to URGWDB in return for federal matching funds in the amount of \$389,298 to be utilized for direct child care services; and

That the City Manager be authorized to sign any amendments to the above-referenced Agreement which might be necessary to amend this agreement or to extend the time period to expend the federal matching child care funds provided that no additional CDBG funds are required, upon approval of the City Attorney's Office and the Director of Community and Human Development or the Deputy CAO for Quality of Life Services. **(Districts - All)**

[Community and Human Development, Michele Ellington, (915) 541-4371]

- 3B.** That the City Manager be authorized to sign a Memorandum of Understanding between the City of El Paso, the URGWDB and the Young Women's Christian Association El Paso Del Norte Region for the purpose of obtaining federal matching funds for direct child care; and

That the City Manager be authorized to sign any amendments to the above-referenced Memorandum of Understanding which might be necessary to amend this Memorandum of Understanding or to extend the time period to expend the federal matching child care funds provided that no additional CDBG funds are required, upon approval of the City Attorney's Office and the Director of Community and Human Development or the Deputy CAO for Quality of Life Services. **(Districts - All)**

[Community and Human Development, Michele Ellington, (915) 541-4371]

- 3C.** That the City Council hereby establishes Just Compensation and approves an offer of Just Compensation for the following properties which are proposed to be acquired for the Verdeland Drive Street & Drainage Improvement Project under the Thirtieth Year (2004-2005) Community Development Program:

Parcel 1: A portion of Tract 1, Loma Terrace No. 3, in the City of El Paso, El Paso County, Texas, containing 1,205.7 square feet, more or less.
Value: \$2400.00

Parcel 2: A portion of Tract 2, Loma Terrace No. 3, in the City of El Paso, El Paso County, Texas, containing 1,714.4 square feet, more or less.
Value: \$3450.00

And that the City Manager be authorized to sign Contracts of Sale and right-of-entry agreements with the respective owners for the above mentioned properties.

This project is located in District 7, Representative Steve Ortega's District and funded by Community Development, under project G7130CD0024, Fund 07806, Account 508034. **(District 7)**

[Community and Human Development, Robert A. Gott, (915) 541-4248]

- 3D.** That the Mayor be authorized to sign an Agreement for Architectural Services by and between the CITY OF EL PASO and SITES SOUTHWEST, for a project known as "Ysleta Skate Park and Estrella Rivera Park Improvements" in an amount not to exceed SIXTY FIVE THOUSAND THREE HUNDRED NINETY-TWO AND 50/100 DOLLARS (\$65,392.50). **(Districts 6 and 8)**

[Engineering Department, Rick Conner, (915) 541-4200]

- 3E.** That the City Manager be authorized to sign a Grant agreement with the Urban Forestry Partnership Grant Program, for a grant from the Texas Forest Service in the amount of \$10,000, to conduct a tree inventory of public parks and develop a management plan that assesses the health and maintenance needs for tree, soil fertility, and irrigation system efficiency. Grant funds will be used to hire two graduate students to conduct the inventory and analyze the findings. A match for the grant in the amount of \$10,000 will be provided from Dept ID 51010262 (Land Management); Fund 01101 (General). **(All Districts)**

[Parks and Recreation, Norman Merrifield, (915) 541-4331]

4. BOARD APPOINTMENT:

Gary Hansen to the Cable Communications Commission by Representative Ann Morgan Lilly, District 1. [Representative Ann Morgan Lilly, (915) 541-4151]

5. APPLICATIONS FOR TAX REFUND: [Tax Office, Juan Sandoval, (915) 541-4369]

That the tax refunds listed on the attachment posted with this agenda be approved.
(See attachment)

6. BID: [Financial Services, Byron E. Johnson, (915) 541-4308]

If apparent low bidder is disqualified for any reason, City Council reserves the right to exercise any option legally available under the law by awarding bid to next lowest responsive and responsible bidder even though the bidder is not named on this agenda.

Solicitation No.:	2005-209	Henderson Health Center ADA Upgrade
Location:		701 S. Mesa St.
Contractor:		Epcon, Inc.
		El Paso, Texas
Department:		Health
Funds Available:		71150069-G7130CD0012-07794-508027
Funding Source:		Community Development Grant
Items: Base Bid		\$54,050.00
Total Award:		\$54,050.00
Estimate Completion Date:		December 17, 2005
District (s):		8

RECOMMENDATION:

The Departments of Engineering, and Health, recommend the award of this contract to Epcon, Inc., the low responsible, responsive bidder. It is requested that the City Manager of the City of El Paso be authorized to sign the referenced contract.

As part of the award of this contract, the City Engineer is authorized to approve contract changes which are necessary for proper construction of the work and carrying out the intent of the design, but which do not increase the scope of the contract as awarded, in an amount not to exceed \$25,000 per numbered change order, and not to exceed the total of 25% of the original contract price as awarded, without further authorization by City Council.

7. APPLICATIONS FOR USE OF CITY PARKS/STREETS & SIDEWALKS:

Permission to use public streets, sidewalks or parks for special events does not constitute endorsement by the City of El Paso of the contents of any expression that takes place during these events.

- 7A.** Del Valle High School to hold a homecoming parade on October 13, 2005 from 6:00 p.m. to 7:00 p.m. Route: Start on Kernel to Betel, turn left on Betel to Bordeaux, turn right on Bordeaux and finish at the school stadium. Approximately 500 persons, 50 vehicles, 1 animal (horse and carriage) will take part and 1,500 spectators are anticipated. This request includes permission to use amplification (2 microphones and 2 bull horns).

PERMIT # 05-138 [Cindy Spitz] **(District 6)**

NO OBJECTIONS FROM FIRE, SUN METRO AND TRAFFIC/ENGINEERING. THE EL PASO POLICE DEPARTMENT HAS NO OBJECTIONS WITH THIS EVENT. THE DEPARTMENT WILL POLICE THE EVENT WITH 6 OFFICERS AND 6 VEHICLES. ESTIMATED COST TO CITY: \$194.00; ESTIMATED COST TO APPLICANT: \$106.00. THE OFFICE OF DEVELOPMENT SERVICES RECOMMENDS APPROVAL.

- 7B.** MacArthur School to hold a walk-a-thon on October 8, 2005 from 8:30 a.m. to 11:30 a.m. Route: Start at MacArthur Park – 738 Gerald to W H Burges, turn right on W H Burges to Whitus, turn right on Whitus to Shaver, turn right on Shaver to Morley, turn right on Morley to Gerald, turn right on Gerald and finish at MacArthur Park. Approximately 200 persons will take part.

PERMIT #05-140 [Christina Mier] **(District 3)**

NO OBJECTIONS FROM FIRE, SUN METRO AND PARKS. ENGINEERING DEPT., TRAFFIC DIV. HAS NO OBJECTION TO THE PROPOSED WALK-A-THON ROUTE. PARTICIPATES MUST USE SIDEWALK AND REMAIN OFF CITY STREETS WITHOUT POLICE ESCORT. THE EL PASO POLICE DEPARTMENT HAS NO OBJECTION WITH THIS EVENT. THE DEPARTMENT WILL MONITOR THE EVENT AS NECESSARY WITH THE DISTRICT CAR. THERE WILL BE NO COST TO CITY OR APPLICANT. THE OFFICE OF DEVELOPMENT SERVICES RECOMMENDS APPROVAL.

- 7C.** Lucia Minjares-Aguilar to block off cul-de-sac Tierra Libre and Tierra Robles between Tierra Serena and Tierra Este on October 29, 2005 from 4:00 p.m. to 1:00 a.m. for a block party. Approximately 50 persons will take part. Barricades must be manned according to the State's "Manual of Uniform Traffic Control Devices". PERMIT # 05-141 [Lucia Minjares-Aguilar] **(District 5)**

NO OBJECTIONS FROM FIRE, SUN METRO AND TRAFFIC/ENGINEERING. THE EL PASO POLICE DEPARTMENT HAS NO OBJECTION WITH THIS EVENT. THE DEPARTMENT WILL MONITOR THE EVENT AS NECESSARY WITH THE DISTRICT CAR. THERE WILL BE NO COST TO CITY OR APPLICANT. THE OFFICE OF DEVELOPMENT SERVICES RECOMMENDS APPROVAL.

- 7D.** Centro De Salud Familiar La Fe to hold a march for health on October 8, 2005 from 7:00 a.m. to 5:00 p.m. Route: Start on Sixth to Campbell, turn right on Campbell to Third, turn right on Third to Virginia, turn left on Virginia to Delta, turn right on Delta to Park, turn right on Park to Father Rahm, turn right on Father Rahm and finish between Ochoa and Florence. Also block off Sixth between Ochoa and Florence. Approximately 150 persons will take part and 150 spectators are anticipated. Barricades must be manned according to the State's "Manual of Uniform Traffic Control Devices". This request includes permission to use amplification (2 speakers, 2 amplifiers and 4 microphones).

PERMIT # 05-142 [Frank Varela] **(District 8)**

NO OBJECTIONS FROM FIRE, SUN METRO AND TRAFFIC/ENGINEERING. THE EL PASO POLICE DEPARTMENT HAS NO OBJECTIONS WITH THIS EVENT. THE DEPARTMENT WILL POLICE THE EVENT WITH 6 OFFICERS AND 6 VEHICLES. ESTIMATED COST TO CITY: \$388.00: ESTIMATED COST TO APPLICANT: \$212.00. THE OFFICE OF DEVELOPMENT SERVICES RECOMMENDS APPROVAL.

REGULAR AGENDA

8. INTRODUCTION OF ORDINANCES PURSUANT TO SECTION 3.9 OF THE EL PASO CITY CHARTER:

**Public comment typically is not taken during the introduction of ordinances.
Public comments are invited at the date of the scheduled public hearing.**

- 8A.** An Ordinance authorizing the City Manager to designate an employee to perform the duties and functions assigned to the Deputy Director-Building Permits and Inspections under the City Code in the event of a vacancy in the position.
[Deputy City Manager, Development and Infrastructure Services, Patricia D. Aduato, (915) 541-4853]
- 8B.** An Ordinance granting a Special Privilege to La Mujer Obrera to temporarily close a portion of Willow Street between Texas Avenue and Myrtle Avenue for a "Mexican Culture Street Festival" on Saturday, October 29, 2005.
(Fee: \$137.50, SP-05020) **(District 8)** [Planning, Esther Guerrero, (915) 541-4720]

PUBLIC HEARING WILL BE HELD ON OCTOBER 18, 2005 FOR ITEMS 8A – 8B

- 8C.** An Ordinance changing the zoning of a portion of Tract 7L2, Block 30, Ysleta Grant, El Paso, El Paso County, Texas from C-1/sc (Commercial/special contract) to C-2 (Commercial/special contract). The penalty is as provided for in Chapter 20.68 of the El Paso Municipal Code. Subject Property: 7958-7960 Alameda Ave. Applicant: Rodolfo & Lilia M. Segoviano. ZON05-00092
(District 7) [Planning, Christina Valles, (915) 541-4930]
- 8D.** An Ordinance granting Special Permit No. Zon05-00099, to allow for a dance hall on the property described as tract 7I2, block 30, Ysleta Grant, El Paso, El Paso County, Texas, pursuant to Section 20.38.040 of the El Paso Municipal Code. The penalty is as provided for in Chapter 20.68 of the El Paso Municipal Code. Subject Property: 7958-7960 Alameda Ave. Applicant: Rodolfo & Lilia M. Segoviano. ZON05-00099 **(District 7)** [Planning, Christina Valles, (915) 541-4930]

PUBLIC HEARING WILL BE HELD ON OCTOBER 25, 2005 FOR ITEMS 8C – 8D

Public Hearings will be held as part of the regular City Council meeting which begins at approximately 9AM. All interested persons present shall have an opportunity to be heard at that time. After the public hearings, Council may also delay taking action on Ordinances, no requirement is made by Section 3.9B of the El Paso City Charter to publish any further notice. Copies of all Ordinances are available for review in the City Clerk's office, 2 Civic Center Plaza, Monday through Friday, 8AM to 5PM.

9. MAYOR AND COUNCIL:

9A. Discussion and Action to adopt a Customer Service Mission Statement.
[Representative Jose Alexandro Lozano, (915) 541-4515]

9B. Discussion and action to have a Legislative Review Committee when contracts over \$500K are proposed. [Representative Jose Alexandro Lozano, (915) 541-4515]

9C. Discussion and Action to lease Ysleta Park Recreation Center to Teens in Action to provide services to Mission Valley residents.
[Representative Eddie Holguin, (915) 541-4178]

10. BID:

If apparent low bidder is disqualified for any reason, City Council reserves the right to exercise any option legally available under the law by awarding bid to next lowest responsive and responsible bidder even though the bidder is not named on this agenda.

Solicitation No.: 2005-258 Towing, Storage & Sale of Motor Vehicles

Award to: El Paso Towing, Inc.
El Paso, Texas

Item(s): Group I & Group III

Amount: \$80,000.00 (estimated annually)

Award to: AD Wrecker Service, Inc.
El Paso, Texas

Item(s): Group II

Amount: \$849,500.00 (estimated annually)

Department: General Services and Police

Funds available: 37370510-503125-45202

Funding source: Various (all City Departments will be using this contract)

Total award: \$2,788,500.00 (estimated)

District (s): All

The General Services, Police and Financial Services Departments recommend award as indicated to the lowest responsive offer meeting specifications, from responsible parties.

Recommendations were made by both the General Services Department and the Police Department for award of Group I to El Paso Towing, Inc.

The El Paso Police Department offered recommendations to award Group II to AD Wrecker Service, Inc. for the Authorized Police Dispatcher Tows and Group III to El Paso Towing, Inc. for the Abandoned, Junked and Illegally Parked Vehicles.

Vendor #1 offers the City the option to extend the term of the contract at the same unit prices for two (2) additional years if the option is exercised within one (1) or two (2) years from the date of the award. Additionally, vendor #1 offers the City a prompt payment discount of 15% twenty (20) days.

Vendor #2 offers the City the option to extend the term of the contract at the same unit prices for two (2) additional years if the option is exercised within two (2) years from the date of the award. Additionally vendor #2 offers the City a prompt payment discount of 2% ten (10) days.

This is a Requirements Type Contract with an initial term of Thirty Six (36) months.

[Financial Services, Jesus M. Juarez, (915) 541-4317] **POSTPONED FROM 09/27/05**

11. PUBLIC HEARINGS – PLANNING: [Planning, Christina Valles, (915) 541-4930]

11A. Discussion and action on a Resolution approving a Detailed Site Development Plan, for a portion of Lot 1, Block 1, Mesa Hills West, El Paso, El Paso County, Texas, pursuant to a Special Contract condition imposed by Ordinance No. 7718. The penalty is as provided for in Chapter 20.68 of the El Paso Municipal Code. Subject Property: 400 Block of Mesa Hills. Applicant: Investment Builders. ZON05-00084 **(District 8)**

11B. An Ordinance changing the zoning of the North 138.00 feet of Lot 9 and the West half of Lot 10, Block 7, North Loop Gardens Unit 1, El Paso, El Paso County, Texas from A-2 (Apartment) to C-4 (Commercial). The penalty is as provided for in Chapter 20.68 of the El Paso Municipal Code. Applicant: Eduardo and Adriana Barboza. Location: 510 East Road. ZON05-00029 **(District 7)**

NOTE: THIS IS AN APPEAL CASE. **POSTPONED FROM 08/23/05 AND 08/30/05**

11C. An Ordinance changing the zoning of a portion of Lot 2, Block 9, Lafayette Place, El Paso, El Paso County, Texas from C-1 (Commercial) to C-4/C (Commercial/Condition). The penalty is as provided for in Chapter 20.68 of the El Paso Municipal Code. Subject Property: 8021 N. Loop Road. Applicant: Jorge Rivera and Blanca Serrano. ZON05-00069 **(District 7)**

11D. An Ordinance granting Special Permit No. ZON05-00071, to allow for Shops for the Conduct of Retail Business on the East ½ of Lots 19 and 20, Block 58, Campbell Addition, El Paso, El Paso County, Texas, pursuant to Section 20.61.060.K (Zoning) of the El Paso Municipal Code. The penalty is as provided for in Chapter 20.68 of the El Paso Municipal Code. Subject Property: 303 & 305 Eighth Street. Applicant: Jorge Valenzuela. ZON05-00071 **(District 8)**

11E. An Ordinance changing the zoning of a portion of Section 22, Block 81, Township 1, Texas and Pacific Railroad Co. Surveys, El Paso, El Paso County, Texas from R-3A/SC (Residential/Special Contract) to C-3/SC (Commercial/Special Contract). The penalty is as provided for in Chapter 20.68 of the El Paso Municipal Code. Subject Property: 10700 block of US Highway 54. Applicant: Camino Real Investments. ZON05-00074 **(District 4)**

11F. An Ordinance changing the zoning of the East 4 feet of Lot 21, all of Lot 22, and the West 10.5 feet of Lot 23, Block 92, Bassett's Addition, El Paso, El Paso County, Texas from A-2 (Apartment) to A-O (Apartment-Office). The penalty is as provided for in Chapter 20.68 of the El Paso Municipal Code. Subject Property: 2611 Montana Avenue. Applicant: Lisa Quintana and Diane Quintana. ZON05-00075 **(District 8)**

- 11G.** An Ordinance changing the zoning of Tract 465, Sunrise Acres No. 1, El Paso, El Paso County, Texas from R-4 (Residential) to R-3A (Residential). The penalty is as provided for in Chapter 20.68 of the El Paso Municipal Code. Subject Property: 8021 N. Loop Road. Applicant: Center Line Home Builders/Juan Licon. ZON05-00076 **(District 2)**
- 11H.** An Ordinance changing the zoning of Tract 7L5, Fresno Place, El Paso, El Paso County, Texas from R-F (Ranch-Farm) to R-3 (Residential). The penalty is as provided for in Chapter 20.68 of the El Paso Municipal Code. Subject Property: 100 block of Fresno. Applicant: Adan & Francisco Baca & Sal Romo. ZON05-00077 **(District 7)**
- 11I.** An Ordinance granting Special Permit No. ZON05-00083, to allow for a parking reduction on the property described as a portion of Lots 11-15, Block 214, Alexander Addition, El Paso, El Paso County, Texas, pursuant to Section 20.64.175 of the El Paso Municipal Code. The penalty is as provided for in Chapter 20.68 of the El Paso Municipal Code. Subject Property: 300 Cincinnati Street. Applicant: Wolfe Commonwealth I, Ltd. ZON05-00083 **(District 1)**
- 12. CITY MANAGER:** [City Manager, Joyce A. Wilson, (915) 541-4844]
- City Manager's report of current events and issues:
- 13.** The City Council of the City of El Paso may retire into **EXECUTIVE SESSION** pursuant to Section 3.5A of the El Paso City Charter and the Texas Government Code, Chapter 551, Subchapter D, to discuss any of the following: (The items listed below are matters of the sort routinely discussed in Executive Session, but the City Council of the City of El Paso may move to Executive Session any of the items on this agenda, consistent with the terms of the Open Meetings Act.) The City Council will return to open session to take any final action and may also, at any time during the meeting, bring forward any of the following items for public discussion, as appropriate.

Section 551.071 CONSULTATION WITH ATTORNEY

Section 551.072 DELIBERATION REGARDING REAL PROPERTY

Section 551.073 DELIBERATION REGARDING PROSPECTIVE GIFTS

Section 551.074 PERSONNEL MATTERS

Section 551.076 DELIBERATION REGARDING SECURITY DEVICES

Section 551.087 DELIBERATION REGARDING ECONOMIC DEVELOPMENT NEGOTIATIONS

Sign Language interpreters are provided for regular City Council meetings. Copies of this Agenda will be provided in Braille, large print or audio tape upon requests made a minimum of 48 hours prior to the meeting.

Hearing Assistance Devices are available upon request.

ALL CITY COUNCIL AGENDAS ARE PLACED ON THE INTERNET EVERY FRIDAY AT THE ADDRESS BELOW:

<http://www.elpasotexas.gov>